

SENATE BILL No. 73

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-20-18; IC 34-28-5-5.

Synopsis: Penalties for overweight vehicles. Requires that 50% of the amount of money collected as a civil penalty for a violation of a motor vehicle weight regulation be paid to the law enforcement agency that employed the law enforcement officer who issued the complaint and summons for the violation. Requires the law enforcement agency to use the money to enforce laws governing the operation of commercial motor vehicles. Makes appropriations necessary for law enforcement agencies to spend the money. (The introduced version of this bill was prepared by the interim study committee on transportation matters.)

Effective: July 1, 2008.

Wyss, Arnold

January 8, 2008, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 73

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-20-18-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) Except as
3 provided in subsection (b), a person who violates this article commits
4 a Class C infraction.

5 (b) A violation of a weight limitation in IC 9-20-4, IC 9-20-5,
6 IC 9-20-11, or IC 9-20-7-1 is:

7 (1) a Class B infraction if the total of all excesses of weight under
8 those limitations is more than five thousand (5,000) pounds but
9 not more than ten thousand (10,000) pounds; and

10 (2) a Class A infraction if the total of all excesses of weight under
11 those limitations is more than ten thousand (10,000) pounds.

12 (c) This subsection does not apply to violations that occur on an
13 interstate highway. It is a defense to a charge of violating a weight
14 limitation in IC 9-20-4, IC 9-20-5, or IC 9-20-11 that the total of all
15 excesses of weight under those limitations is less than one thousand
16 (1,000) pounds.

17 (d) The court may suspend the registration of a vehicle used in

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violating this article for not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a law regarding the weight limit of vehicles operated upon a highway, the court may recommend suspension of the person's current chauffeur's license if the violation was committed knowingly.

(f) Notwithstanding ~~IC 34-28-5-4~~, **IC 34-28-5-5**, funds collected as judgments, except for costs, for violations under subsection (a) ~~or (b)~~ shall be deposited in the state highway fund.

SECTION 2. IC 9-20-18-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17. (a) For purposes of this section, money collected as judgments for an infraction do not include costs.**

(b) As used in this section, "department" refers to the Indiana department of transportation established under IC 8-23-2-1.

(c) Notwithstanding IC 34-28-5-5, money collected as judgments for violations described in section 12(b) of this chapter shall be deposited in the state highway fund.

(d) Fifty percent (50%) of the money collected as a judgment for a violation described in section 12(b) of this chapter shall be paid to the law enforcement agency that employed the law enforcement officer who issued the complaint and summons for the violation.

(e) The department shall pay a law enforcement agency from the state highway fund money to which the law enforcement agency is entitled under subsection (d). The department may require a law enforcement agency to submit documentation that the department considers necessary to support a claim for payment under this section.

(f) If the law enforcement agency that receives money under this section is a state agency, the money is continuously appropriated to the law enforcement agency to enforce laws governing the operation of commercial motor vehicles.

(g) If the law enforcement agency that receives money under this section is not a state agency, the law enforcement agency shall use the money to enforce laws governing the operation of commercial motor vehicles without appropriation.

(h) Money in the state highway fund sufficient to make payments under this section is continuously appropriated to the department to make the payments required by this section.

SECTION 3. IC 34-28-5-5, AS AMENDED BY P.L.40-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not**

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be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in IC 9-21-5-11(e), **IC 9-20-18-12, and IC 9-20-18-17**, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

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